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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,136	11/28/2001	Shih-Chun Chiang	B-4395 619333-0	3402

7590 05/05/2004  
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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 05/05/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/997,136

**Applicant(s)**

CHIANG ET AL.

**Examiner**

Jorge L Ortiz-Criado

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract should be limited to a single paragraph on a separate sheet within the range of 50 to 150 words and it should avoid using phrases, which can be implied the word "discloses" as recited in line 1. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda et al. U.S. Patent No. 6,091,680.

Regarding claim 1 and 5, Matsuda et al. discloses a layer jump control apparatus for controlling a layer jump process of an optical drive, wherein the layer jump process comprises a kicking process, a holding process, a braking process and a waiting process, the layer jump control apparatus (See Abstract; Figs. 1-6) comprising:

- a pick up head having a lens and a voice coil motor, wherein the pick up head drives the voice coil motor in accordance with a driving force to vertically move the lens (See Fig. 1, ref# 3, 30; col. 4, lines 24-31)

- a preamplifier for producing a focusing error signal (See Fig. 1, ref# 5);

- a controller for receiving the focusing error signal and producing a focusing control signal (See Fig. 1, ref# 7);

- a low pass filter for receiving the focusing control signal and producing a layer distance balancing signal (See Fig. 1, ref# 10); and

- a driving device for outputting the driving force (See Fig. 1, ref# 14); wherein:

- the driving device receives the focusing control signal to determine the driving force when the optical drive does not perform the layer jump process (See col. 4, lines 48-56; col. 20-33)

- the driving device receives a kicking signal and the layer distance balancing signal to determine the driving force when the optical drive performs the kicking process the driving device receives a braking signal and the layer distance balancing signal to determine the driving

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force when the optical drive performs the braking process; and the driving device receives the layer distance balancing signal to determine the driving force when the optical drive performs the holding process and the waiting process (See col. 4, line 48 to col. 5, line 34; Figs. 3,4)

Regarding claim 2 and 6, Matsuda et al. discloses wherein the optical drive is a DVD drive (See col. 9, lines 24-28).

Regarding claim 3 and 7, Matsuda et al. discloses wherein the controller is an equalizer (See Fig. 1, ref# 7).

Regarding claim 4 and 8, Matsuda et al. discloses wherein the layer distance-balancing signal is a direct current voltage level of the focusing control signal (See col. 8, lines 38 to col. 9, line 15).

Regarding claims 9-12, Method claims 9-12 are drawn to the method of using the corresponding apparatus claimed in claims 1-8. Therefore method claims 9-12 correspond to apparatus claims 1-8 and are rejected for the same reasons of anticipation as used above.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent No. 5,740,136 to Tsutsui et al., U.S. Patent No. 5,748,597 to Kim, U.S. Patent No. 6,246,646 to Abe et al., U.S. Patent No. 5,999,503 to Tateishi et al. and

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U.S. 6,552,971 to Iida, where discloses optical drives for performing a layer jump process, wherein the layer jump process comprises a kicking process, a holding process, a braking process and a waiting process,

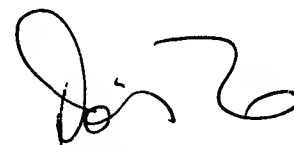
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**